



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/730,930

12/10/2003

Hideki Tsutsui

245454US-2RD

7109

22850

7590

04/18/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PARRA, OMAR S

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

04/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/730,930	Applicant(s) TSUTSUI ET AL.	
	Examiner OMAR PARRA	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11, 12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/31/2008 have been fully considered but they are not persuasive.

In response to arguments:

Applicant, in the Remarks section, argues that Nakano reference does not disclose or even suggest a “...synchronization at the client with associated media data provided from the server side, to correct any time difference between the metadata and the media data caused by any inaccuracies in the time date...” and “...extraction of characteristic data in associated media data”, (page 12 first paragraph). To this matter, the examiner respectfully disagrees.

Nakano teaches a system that keeps databases of content and additional information about the content at the clients and at the server (26 and 34, Figs. 3 and 4, respectively; [0036]; [0039]; [0050]-[0055])). Nakano teaches that the metadata is kept in XML and DTDs are exchanged between clients and servers to search, match and synchronize information ([0036]; [0037]; [0056]-[0060]). A client sends a request (add, search, deletion and update are the options for the request, Fig. 5 or [0093], where the DTD file describing the newly added URL at the client, [0094]-[0135], is sent to the server) to the server as a DTD. The server reads the information, if it's a search; server can or cannot find more image content to a search data or tag ([0054]-[0055]; [0136]-[0146], where the server has more information, synchronizes the information down to the client; [0147]-[0158], where it does not). If it does, the content is synchronized to the

metadata and sent down to the client, [0146], where the database gets updated by synchronizing the new image data to the existing/new metadata ([0050]-[0051]). If it does not find more content, the search data is added to the server database. In the process of matching tags, the elements of the DTD are extracted and compared to the existing file, and if anything was added, that new content information is added to it, [0054]-[0055]). Paragraph [0146] shows the synchronization of the content and metadata before sending it to the client. However, there is synchronization, as explained above, of the content and new/existing metadata at the client database also. Furthermore, it is extremely known in the art, that for presenting video with corresponding additional data or metadata, that synchronization needs to be performed at the time of presentation.

Applicant argues that Nakano does not teach or suggest “...wherein the server includes a metadata creator data storing portion configured to store metadata creator data identifying a creator of specific metadata and incrementing a value associated with the metadata creator data each time the specific metadata is exchanged among the plurality of client media data audio-visual devices, and wherein the metadata creator data is added to the search request of the search request inputting portion”. However, to this matter, the examiner respectfully disagrees.

Nakano teaches that clients can create or add metadata information to image content and that different but hierarchically equal clients are able to share and search

other client's created metadata through a list kept at the server ([0163]-[0169]). Being this server the same as the one in Fig. 4 ([0165]), it keeps track of where the metadata is and therefore, inherently, has to know who has it (its creator). Additionally, given that metadata is created by the server, and any of the clients, the sender of a DTD is the creator of the metadata as seen in the example of paragraphs ([0063], [0113]-[0123], where as part of the information of the video, the name of the person who recorded the video or added information is in the XML file or DTD).

Furthermore, Nakano teaches that given the number of changes, additions and number of clients (creators), the information stored at the server would diverge ([0166]). Due to this problem, Nakano teaches having a threshold value for the number of inquiries from clients before storing or registering a change on the information ([0167]). In other words, a minimum of people needs to be requesting or sending the same inquire in order for the server to register that inquiry as part of the information registered at the server. To do that, a counter is increased every time a piece of content is requested among the clients metadata is registered [0167]-[0172]).

Given the above explanation, the examiner respectfully believes that the art of record still covers all the limitations of applicant's invention as claimed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2623

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-4, 6-9, 11 and 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173).

Regarding claims 1 and 7, Nakano teaches a system that includes a media data audio-visual device for viewing media data, comprising **(Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13):**

a plurality of client media data audio-visual devices each configured to display media data and metadata corresponding to the media data **([0175])**; and

a server configured to exchange data among the plurality of client media data audio-visual devices **(Delivery server 10, Fig. 2; [0048]-[0055])**, wherein each of the plurality of client media data audio-visual devices includes:

an audio-visual portion configured to display the media data **(Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13);**

a metadata storing portion configured to store metadata corresponding to the media data **(Database 26, Fig. 3; [0041]-[0042], [0046]-[0049])**;

a communication portion configured to transmit the metadata externally and receive external metadata to be stored in the metadata storing portion

(Communications Interface 44, Fig. 13; [0042]; [0175]);

a display portion configured to display a time relationship between selected media data and selected metadata based on time data embedded in the media data and in the metadata **(When an image is sent or transmitted to the client, the database with the metadata is referenced to present the metadata with the content, [0036] lines 18-22; and given that the metadata contains time of presentation, etc, [0036] lines 1-17, both are related in time and are displayed to the user);** and

a synchronizing portion configured to extract characteristic data that is stored in the metadata, search for corresponding characteristic data in associated media data, and to synchronize the metadata with the associated media data to correct any time differences between the metadata and the media data caused by inaccurate time data in the metadata **([0146], where metadata is searched and synchronized with the video data to be displayed at the time of presentation).**

Regarding claims 2 and 9, Nakano teaches a media data audio-visual device, further comprising a metadata creating portion configured to enable a user to create metadata **(Database Generating Unit 25, Fig. 3, [0036], [0041], [0048]-[0049]).**

Regarding claim 3, Nakano teaches a media data audio-visual device wherein the metadata creating portion includes a disclosure selection tool configured to enable a user to designate whether created metadata is to be disclosed externally **(Changes made by the user are assigned a 1 if the changes are meant to be local or global – shared with others, [0093].**

Regarding claims 4, 8, and 11 Nakano teaches a media data audio-visual device further comprising a search condition a inputting portion configured to enable a user to input search conditions for searching the external metadata **(User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]).**

Regarding claim 6, Nakano teaches a media data audio-visual device, wherein the audio-visual portion displays the metadata and the media data with corrected timing corrected by the synchronizing portion **(Given that metadata includes index jumps, editing, etc, that refer to changes on the time of reproduction of the media [0035] and that metadata is played or shown paired to video content [0035], it is inherent that the time of presentation needs to be synchronized to the media content).**

Regarding claims 7 and 14, Nakano teaches a system that includes a media data audio-visual device for viewing media data, comprising **(Video recorder 11, Fig. 2,**

connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13):

a plurality of client media data audio-visual devices each configured to display media data and metadata corresponding to the media data ([0175]); and

a server configured to exchange data among the plurality of client media data audio-visual devices (**Delivery server 10, Fig. 2; [0048]-[0055]**), wherein each of the plurality of client media data audio-visual devices includes:

an audio-visual portion configured to display the media data (**Video recorder 11, Fig. 2, connected to a display device, which displays media data as shown in Figs. 1 or input/output device 51, Fig. 13)**;

a metadata storing portion configured to store metadata corresponding to the media data (**Database 26, Fig. 3; [0041]-[0042], [0046]-[0049]**);

a communication portion configured to transmit the metadata externally and receive external metadata to be stored in the metadata storing portion (**Communications Interface 44, Fig. 13; [0042]; [0175]**);

a display portion configured to display a time relationship between selected media data and selected metadata based on time data embedded in the media data and in the metadata (**When an image is sent or transmitted to the client, the database with the metadata is referenced to present the metadata with the content, [0036] lines 18-22; and given that the metadata contains time of presentation, etc, [0036] lines 1-17, both are related in time and are displayed to the user**);

wherein the server includes a metadata storing portion configured to store the metadata transmitted from the plurality of client media data audio-visual devices

(Database 34, Fig. 4, [0043]-[0045]); and

wherein each of the plurality of client media data audio-visual devices includes a search request inputting portion configured to enable a user to input a search request for searching the metadata stored in the server, and wherein the server includes a metadata searching portion configured to search for the metadata in the metadata storing portion that corresponds to the search request **(User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]), and**

wherein the server includes a metadata creator data storing portion configured to store metadata creator data identifying a creator of specific metadata **(Given that a client makes its changes on metadata available to other clients, that all clients communicate to each other and that a server keeps track of all the metadata changes [0163]-[0169], it is inherent that the ID the client or any type of identifying info needs to be appended to the changes in order for the clients to contact the other clients)** and incrementing a value associated with the metadata creator data each time the specific metadata is exchanged among the plurality of client media data audio-visual devices **(Every time a client requests for metadata content, a counter is increased, and if the count surpasses a threshold value, a request for changing the metadata database at the server from a client is registered, [0166]-[0167]), and**

wherein the metadata creator data is added to the search request of the search request inputting portion **(As explained, if metadata is found to be at a client 1, it is inherent that client 2 has to request that metadata by addressing or adding client's 1 id in its search request).**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim **12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (hereinafter 'Nakano', Pub. No. 2003/0070173) in view of Wilf (Pub. No. 2001/0049826).

Regarding claim 12, Nakano teaches all the limitations of the claim it depends on. Nakano also teaches an interface to search for metadata corresponding to media **User is able to search for metadata in the server, internet or other clients, [0053]-[0055], [0136]-[0160], [0163], [0175]. The user selects to see or not the results, as for example the URL treated in [0094]-[0095]. For any search, it is inherent that there must be an interface to transmit user's inquiry to the content/metadata source).** On the other hand, Nakano does not explicitly teach being able to set a

recording reservation to record the media data scheduled to be broadcast in the future using search results from the metadata searching portion.

However, in an analogous art, Wilf teaches a system that indexes and performs segmentation on video inputs and lets the user search for content through queries. Based on the result, a recording timer can be set for content that will be presented in the future, based on programming listings on the internet (Abstract, [0004], [0014]-[0015], [0038], [0068], [0082]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Nakano's invention with Wilf's setting recording timers on program listings matching user's queries for the benefit of letting the user watch the matching content in the case he/she is not at home to watch it.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2623

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

*/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623*